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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,651	08/24/1999	MAMORU KUZUYA	5000-4679	1555

27123 7590 12/29/2004  
MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10281-2101

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/379,651	KUZUYA ET AL.	
	Examiner	Art Unit	
	Vicky A. Johnson	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 19, 2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckwith (US 2,570,191) in view of Asaoka (JP 05169906).

Beckwith discloses an axle housing assembly comprising an axle housing having a differential housing (17), a cover (19) attached to the differential housing (see Fig 1) with an integrally formed housing body (see Fig 1) and a pair of axle tubes (12) fixed to the differential housing (15) within the housing body (see Fig 1), support means (C) including a pair of axle brackets fitted on a pair of axle tubes (see Fig 1) each having a ring portion (31) wherein the pair of axle brackets fitted for supporting the axle housing

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to the base frame (I) by coupling each axle bracket to the base frame (see Fig 1), a convex repulsive force receiving member (35) integrally formed on the body, wherein the differential housing includes a cover (19), wherein the support means includes a pair of axle brackets (C), a repulsive force receiving bolt (35), the axle brackets including a thick portion (unnumbered portion of bracket C, portion receiving bolt 35 is thicker than other portions of C, see Fig 1 right side), and differential housing is substantially centered between the pair of axle brackets (see Fig 1).

Beckwith does not disclose the convex repulsive force-receiving member having a thick portion projecting toward the housing body such that the distal end of the thick portion is in contact with one of the left side surface and the right side surface of the convex repulsive force-receiving member for directly coupling the body of the housing to the axle bracket.

Asaoka discloses a repulsive force receiving having a thick portion (top portion of 3) projecting toward the housing body such that the distal end of the thick portion is in contact with one of the left side surface and the right side surface of the convex repulsive force receiving member (since no frame of reference has been established, any direction can be considered up and left or right) for directly coupling the body of the housing to the axle bracket (see Fig 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Beckwith to include a thick portion projecting toward the housing body as taught by Asaoka in order to facilitate maintenance (abstract).

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4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beckwith (US 2,570,191) and Asaoka (JP 05169906) in view of Pegg.

Beckwith discloses an axle housing as described above, but does not disclose a recess surrounding the through hole for recessing the head of the bolt.

Pegg discloses a recess surrounding the through hole for recessing the head of a bolt (13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beckwith by including a recess surrounding a through hole for recessing the head of the bolt in view of Pegg for the purpose of preventing anything from catching on the bolt head.

#### ***Response to Arguments***

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that Beckwith fails to disclose a housing body having a pair of axle brackets each coupled to the base frame. Figure 1 of Beckwith shows the frame (I) coupled to the axle brackets (C).

The applicant argues that Beckwith fails to disclose the differential housing directly coupled to the axle brackets, and that the Asaoka reference does nothing to remedy the deficiency. The Asaoka reference shows the axle bracket directly coupled to the differential housing (see Fig 1).

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It is also argued that the Pegg reference fails to show the differential housing directly coupled to the axle brackets. The Pegg reference is used to show that it is obvious to form a recess surrounding a through hole for recessing the head of a bolt.


The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 12/22/04  
Vicky A. Johnson  
Examiner  
Art Unit 3682